

tin, Moffett, Moore. Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Colson and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution then was adopted by a rising vote of the Senate.

Adjournment

On motion of Senator Baker the Senate at 11:07 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow in memory of Mr. H. O. Lane, the father of Senator Wardlow Lane.

FIFTY-EIGHTH DAY

(Tuesday, May 2, 1961)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Aikin Colson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, we are in a troubled world and need Thy help. Events have shattered our hope for peace, and godless men continue to defy and destroy the dream Thou hast planted in the hearts of men. Strengthen our

faith in Thy power, Thy plan, and the prayers of people who love Thee. For Christ's sake. Amen."

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Colson was granted leave of absence for today on account of illness in the family on motion of Senator Moffett.

Senator Aikin was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senate Bill 458 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Hardeman:

S. B. No. 458, A bill to be entitled "An Act amending Chapter 171, Acts of the Fifty-Sixth Legislature, Regular Session, relating to Tom Green County Water Control and Improvement District No. 1, by providing an additional method of detaching land from, and adding land to said district; prescribing the effect of failure to hold an election within the time prescribed, resulting favorably to the assumption of district's outstanding bonds and district's obligations under its contract with the United States Government; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 459 on First Reading

Senator Krueger moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Baker	Dies
Calhoun	Fuller
Creighton	Gonzalez
Crump	Hardeman

Hazlewood	Parkhouse
Herring	Patman
Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Schwartz
Martin	Secrest
Moffett	Smith
Moore	Weinert
Owen	Willis

Absent

Rogers

Absent—Excused

Aikin

Colson

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Krueger:

S. B. No. 459, A bill to be entitled "An Act changing the name of the Commission of Control for the Battleship 'Texas,' known as the Battleship Texas Commission, to the Texas Navy Commission, and adding to its duties and responsibilities in connection with the Texas Navy as a voluntary arm of civil defense and disaster relief; providing for the keeping of a roster of personnel and the receipt of funds by the Commission from admission receipts, donations and the purchase and sale of appropriate articles incident to the Texas Navy; repealing conflicting laws and parts thereof; providing a severability clause; and declaring an emergency."

To the Committee on Military and Veterans Affairs.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 846, Providing for the trapping, transporting and transplanting of wild white-tailed deer from overpopulated areas to other areas in which deer populations are below carrying capacity; providing such trapping, transporting and transplanting shall be at no expense to the State; providing for the issuance of permits by the Game and Fish

Commission for trapping, transporting, and transplanting wild white-tailed deer; limiting the hunting of transplanted wild white-tailed deer; and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 200 by vote of 132 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 645 by non-record vote.

S. C. R. No. 22, Allowing Mr. W. R. Hall to sue the State of Texas. (With Amendment.)

S. C. R. No. 53, Proclaiming Miss Barbara Anne Wray the 1961 Miss Bluebonnet of Texas.

S. C. R. No. 42, Granting The Nueces Company of Corpus Christi, Nueces County, Texas, permission to sue the State.

S. B. No. 125, To authorize acceptance and conditional use by Texas Woman's University of certain donated property; and declaring an emergency.

H. B. No. 243, Amending Article 43 of the Code of Criminal Procedure of Texas, 1925, to require the sheriff of each county to report to the district or county attorney each month as to all prisoners in his custody and the authority by which he detains them; and declaring an emergency.

H. B. No. 221, Amending Acts, 1955, Fifty-fourth Legislature, page 88, Chapter 55, Section 236, the Texas Probate Code, so as to permit Probate and County Courts to approve expenditures by guardians from the corpus of ward's estates for support, maintenance and education under certain circumstances; and declaring an emergency.

H. B. No. 295, A bill to be entitled "An Act to amend Article 1160 of the Texas Penal Code, 1925, as amended, relating to the offense of assault with intent to murder; and declaring an emergency."

H. B. No. 879, A bill to be entitled "An Act amending Section 2, House Bill 264, 56th Legislature, 1959, so as to repeal that portion of the law which is not correlated with the Anatomical Law (Article 4584, R.C.S., 1925), permits indiscriminate distribution of bodies, and does not provide

for keeping records; and with the purpose of unifying the laws dealing with human bodies used for the advancement of medical science, providing for recording of their distribution, and giving a uniform method of handling all such bodies through the activity of the Anatomical Board of the State of Texas; and declaring an emergency."

H. B. No. 1044, A bill to be entitled "An Act amending Article 1.09-3 of the Insurance Code to provide that members and employees of the State Board of Insurance shall be subject to the same code of ethics and standards of conduct as members and employees of other state regulatory agencies; and declaring an emergency."

H. B. No. 1046, A bill to be entitled "An Act applying to incorporated cities and towns having a population of more than 100,000 inhabitants according to the Federal Census last preceding the taking of action, hereunder (referred to hereafter as "city"); authorizing such city to purchase, build, construct, acquire, improve, enlarge, extend, maintain, repair, and replace any and all properties, improvements and facilities which the governing body thereof deems to be necessary for the elimination of grade level crossings by railroad lines of the streets of such city and for the relocation of railroad lines within said city (said properties, improvements and facilities being hereafter referred to as the 'Facilities'); providing certain things that said Facilities shall include; authorizing the governing body of the city to enter contracts, leases, conveyances, contracts of sale, lease-purchase contracts, and any other agreements with respect to the Facilities, and containing provisions relating thereto; authorizing the issuance of tax bonds and revenue bonds of the city for the purpose of providing funds for any of the Facilities, and containing provisions relating to said bonds and to said Facilities and the revenues and income thereof; authorizing the mortgaging and encumbering of the physical properties of the Facilities as additional security for revenue bonds and containing provisions relating thereto and to the Facilities; authorizing the placing of the management and control of the Facilities in the governing body of the city or in a board of trustees; authorizing

the issuance of tax refunding bonds and revenue refunding bonds, and containing provisions relating thereto; providing that this Act is cumulative of existing laws, but providing that the provisions of this Act shall govern and prevail over such existing laws and shall take precedence over city charter provisions; validating proceedings heretofore had and actions heretofore taken and contracts heretofore entered into by such city, but excepting from such validation certain pending litigation; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

H. B. No. 1049, A bill to be entitled "An Act providing for the conveyance and patenting of certain State-owned free public school land in El Paso County to the County of El Paso for park purposes in exchange for certain lands now owned by the County of El Paso, reserving all the oil, gas, and other minerals, enacting other provisions relating to the subject matter; and declaring an emergency."

H. B. No. 860, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 7 providing for contributions, and Section 19 providing definition of terms for the Texas Unemployment Compensation Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the 44th Legislature, Third Called Session, 1936, as amended); providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the separability of provisions; providing an effective date for this Act; and declaring an emergency."

H. B. No. 112, A bill to be entitled "An Act authorizing establishment of special school districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act to amend Section 6 of Chapter 283, Page 424, Acts of the 40th Legislature, Regular Session, 1927, as last amended by Section 1 of Chapter 287, page 732, Acts of the 53rd Legislature, Regular Session, 1953

(compiled as Article 1011f of Vernon's Texas Civil Statutes), relating to Municipal Zoning Commissions, to provide that the Legislative body of a city or town may hold joint public hearings with the Zoning Commission; and declaring an emergency."

H. B. No. 284, A bill to be entitled "An Act to amend Article 1016 and Article 1019 of the Revised Civil Statutes of Texas of 1925 to make the provisions thereof applicable to any city or town incorporated under the general laws of this State and to authorize the governing body of any such city or town to vacate, abandon, and close streets and alleys within such city or town; and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act amending Article 1994 of the Revised Civil Statutes of Texas, 1925, as amended, to provide that in suits by minors, lunatics, idiots or non compos mentis when they are represented by next friend where a judgment is recovered not exceeding Fifteen Hundred Dollars (\$1,500), the court may by order, and upon the posting of bond, authorize such next friend to take charge of such money for the use and benefit of plaintiff; and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act amending Section 3 of Acts of 1925, 39th Legislature, page 7, Chapter 5, same being Section 3 of Article 8263h of Vernon's Texas Civil Statutes, changing the composition of the Navigation Board in navigation districts which include a city or cities or parts thereof acting under special charter granted by the legislature and in which the City Council or City Board of Commissioners exceeds in number the County Commissioners' Court; providing for severability and declaring an emergency."

H. B. No. 445, A bill to be entitled "An Act amending Section 6 of Chapter 370, Acts of the 55th Legislature, Regular Session, 1957, to provide that deer tags bear the date and place of kill of the deer to which attached; and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the general

laws of Texas; validating the boundary lines thereof; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation or annexation; and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act amending Article 3.16 of Chapter 3 of the Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491, as amended by the Acts of the 1957, 55th Legislature, Chapter 344, Section 2), relating to deposits of securities or lawful money of the United States or conveyance of real estate in trust in an amount equal to the legal reserve of all of the outstanding policies in force of any life insurance company; amending Article 3.17 of Chapter 3 of the Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491), relating to what deposits made under Article 3.16 of Chapter 3 of the Insurance Code may include; amending Article 3.18 of Chapter 3 of the Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491), relating to the effect and value of deposits and amount of legal reserves; repealing Article 3.19 of Chapter 3 of the Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491) relating to fees for making deposits; repealing conflicting laws and parts of laws to the extent of such conflict; containing a savings clause; and declaring an emergency."

H. B. No. 491, A bill to be entitled "An Act amending Article 3.01 of the Insurance Code of Texas, Acts of 1951, 57th Legislature, Page 868, Chapter 491 as amended by redefining the term 'net assets' and providing for certain data processing systems to be considered as admitted assets of a life insurance company; providing for severability of the different parts of said Article so that the constitutionality of one or more shall not affect the remainder of the Act, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act to amend Article 3.40 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, Page 916, Chapter 363, Section 13, as further amended by Acts of 1959, 56th

Legislature, Page 890, Chapter 411, Section 4) pertaining to investments by life, health or accident insurance companies in real estate by adding to said Article a paragraph permitting such companies to acquire, secure, retain, hold and convey production payments subject to restrictions and limitations; repealing conflicting laws and parts of laws to the extent of such conflict; and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act amending Chapter 467, House Bill No. 477, Acts, Second Called Session, Forty-Fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to provide for the issuance of Agents' and Employees' Licenses to certain agents, representatives, and employees of manufacturers and distributors; fixing authority under such licenses; providing a penalty for violations of the Texas Liquor Control Act by the holders of such licenses; fixing a fee for such licenses and fixing a period during which they shall be valid; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 511, A bill to be entitled "An Act authorizing the Governor, upon recommendation of the State Highway Commission, to convey certain of the State's interests in certain lands when such interests are necessary for the maintenance of any Federally owned or operated Military installation or Facility; ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act authorizing the Governor, upon recommendation of the State Highway Commission, to convey certain of the State's interests in certain lands when such interests are necessary for the construction, operation or maintenance of flood control, river and harbor improvement, water conservation, or other civil works projects of the United States, ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act amending Article 5435, Revised Civil Statutes of Texas, to pro-

vide the State Librarian shall be the executive and administrative officer of the Texas Library and Historical Commission; and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act authorizing the County of Goliad to convey title to certain lands to the State Parks Board of the State of Texas, aggregating two acres of land, more or less, and being the area surrounding and adjoining the site of the birthplace of General Ignacio Zaragoza in La Bahia Townsite in the County of Goliad, as a State park and historical site; authorizing the State Parks Board to construct, maintain and repair historical and recreational structures and facilities; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 616, A bill to be entitled "An Act providing that no changes in boundaries of independent school districts having 16,500 scholastics or more and being located in counties having a population of 149,000 or more, according to the last preceding Federal census, shall be made unless previously approved by the board of trustees or board of education thereof; enacting other provisions relating thereto; and declaring an emergency."

H. B. No. 613, A bill to be entitled "An Act amending Section 5 of Chapter 313, Acts of the 41st Legislature, Regular Session, 1929, as amended, to provide for additional notice in certain hearings; and declaring an emergency."

H. B. No. 638, A bill to be entitled "An Act to amend Section (2) Brokers and Factors, of Article 19.01 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, enacted by Chapter 1, Acts 1959, 56th Legislature, 3rd Called Session, by deleting therefrom real estate as an object or subject matter with reference to which said Article 19.01 levies an occupation tax; and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Spe-

cial Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 14 of said Article; exempting from consideration in determining need earned income of recipients of aid to the blind within limitations and restrictions as herein provided; providing a repealing clause; a saving clause; and declaring an emergency."

H. B. No. 682, A bill to be entitled "An Act to be known as 'The Vocational Rehabilitation Act of Texas'; providing for vocational rehabilitation of the mentally and physically handicapped, except the legally blind; establishing a Texas Vocational Rehabilitation Council to administer vocational rehabilitation services and prescribing its powers and duties; providing for appointment of a Director of Vocational Rehabilitation and prescribing his duties; designating the State Treasurer to receive Federal funds available for vocational rehabilitation services and authorizing him to disburse such funds on the order of the Texas Vocational Rehabilitation Council, except those for rehabilitation of the legally blind; authorizing the acceptance of gifts and donations for vocational rehabilitation purposes; providing for confidentiality of records concerning recipients of vocational rehabilitation services; transferring all personnel, property, and funds of the Division of Vocational Rehabilitation of the Central Education Agency to the Texas Vocational Rehabilitation Council; designating the Council as successor to said Division of Vocational Rehabilitation and providing it shall assume all statutory duties, obligations and responsibilities of said Division; providing that personnel of the Division of Vocational Rehabilitation, Central Education Agency, hereby transferred to the Texas Vocational Rehabilitation Council shall have the option of retaining membership in the Teacher Retirement System of Texas or becoming members of the Employees Retirement System of Texas; providing a severability clause; repealing Sections 2, 2-a, and 2-b of Chapter 23, Acts of the 41st Legislature, First Called Session, 1929, as amended by Chapter 99, Acts of the 43rd Legislature, First Called Session, 1933, and all other laws and parts of laws in conflict with this Act; setting

an effective date; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending Article 7897, Revised Civil Statutes of Texas, 1925, to provide alternate days to hold the election of certain water district officials in the event of certain holidays; and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act amending Section 3. D. of Chapter 382, Acts of the 56th Legislature, Regular Session, 1959, to provide that none of the provisions of the Liquefied Petroleum Gas Code shall apply to any pipeline company; and declaring an emergency."

H. B. No. 731, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Wood County, Texas; describing the manner of sale and disposition of proceeds; and declaring an emergency."

H. B. No. 733, A bill to be entitled "An Act amending Article 901, Vernon's Texas Penal Code, so as to permit certain incapacitated persons to hunt from vehicles upon certain conditions; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act providing for the sale of certain land to the City of Texas City, upon payment of a stated sum; reserving all oil, gas and other minerals; enacting other provisions relating to the subject matter; and declaring an emergency."

H. B. No. 852, A bill to be entitled "An Act amending Subsection (c) of Section 4, Chapter 356, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended, relating to State property accountability and responsibility; and declaring an emergency."

H. B. No. 873, A bill to be entitled "An Act relating to Water Supply or Sewer Service Corporations amending Sections 3, 5, 6, and 8 of Chapter 76, Acts of the 43rd Legislature, First Called Session, 1933, as amended, to provide for increasing the number of directors by amendment to the by-laws; for making the requirement of a bond of the officers discretionary with the board of directors; for making the handling of the business by a manager discretionary with the board of directors; for selecting as a

depository a bank which is insured with the Federal Deposit Insurance Corporation; adding a new section exempting the corporation from the Texas Securities Act; and declaring an emergency."

H. B. No. 878, A bill to be entitled "An Act amending Article 4584 of the Revised Civil Statutes of Texas, 1925, as amended, so as to repeal that portion of the law allowing procedures that lead to diversion of bodies which would otherwise become available for the advancement of medical science; and with the purpose of eliminating the shortage of bodies that can be used for medical teaching and research; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 1. The House has appointed the following Conferees: Cotten, Dewey, Hollowell, McGregor of El Paso and Buchanan.

The House has concurred in Senate amendments to House Bill No. 789 by vote of 137 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 396 by vote of 131 ayes, 1 noes.

The House has concurred in Senate amendments to House Bill No. 750 by vote of 125 ayes, 8 noes, and 1 present not voting.*

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 368. House has appointed the following Conferees: McCoppin, Adams of Titus, Bass, Chapman, and Burgess.

H. B. No. 764, Providing for the regulation of motor vehicle driving schools, setting forth procedures therefor; providing for certain penalties; providing for a severability clause; and declaring an emergency.

H. B. No. 897, Amending a portion of the Texas Liquor Control Act; amending Subsection 1 of Article 667-24a, Texas Penal Code, the Texas Liquor Control Act, Acts of the Forty-fourth Legislature, Second Called Session, as amended, to more clearly

define "outdoor advertising"; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 458, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and not be printed.

PARKHOUSE, Chairman.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 678, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and not be printed.

KRUEGER, Chairman.

Senator Reagan by unanimous consent submitted the following report:

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 1069, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REAGAN, Vice-Chairman.

Senator Hudson by unanimous consent submitted the following report:

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Mili-

tary and Veterans Affairs to whom was referred S. B. No. 459, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and not be printed.

HUDSON, Chairman.

Senate Bill 458 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent S. B. No. 458 was ordered not printed.

House Bill 1069 Ordered Not Printed

On motion of Senator Weinert and by unanimous consent H. B. No. 1069 was ordered not printed.

House Bill 678 Ordered Not Printed

On motion of Senator Hudson and by unanimous consent H. B. No. 678 was ordered not printed.

Senate Concurrent Resolution 54

Senator Kazen offered the following resolution:

S. C. R. No. 54, Suspending Joint Rules to consider S. B. No. 117 on any day.

Resolved by the Senate of the State of Texas, with the House of Representatives concurring, that the Joint Rules be and they are hereby suspended in order that the Senate or the House of Representatives may take up S. B. 117 on any day.

The resolution was read.

Senator Kazen asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Kazen then moved to suspend the regular order of business and consider the resolution immediately.

The motion prevailed by the following vote:

Yeas—21

Calhoun	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger
Gonzalez	Lane
Hardeman	Martin
Hazlewood	Moffett

Patman
Ratliff
Roberts
Rogers

Schwartz
Secrest
Smith

Nays—6

Baker
Fuller
Owen

Parkhouse
Reagan
Willis

Absent

Moore

Weinert

Absent—Excused

Aikin

Colson

Pending discussion by Senator Fuller of the resolution, Senator Kazen asked unanimous consent to postpone further consideration of S. C. R. No. 54 until tomorrow morning following the Morning Call.

There was no objection offered.

Bills and Resolution Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. C. R. No. 52, Suspending Joint Rules to permit the House or Senate to consider Local and Uncontested Bills Calendar.

S. B. No. 18, A bill to be entitled "An Act to amend Sec. 9, Art. 5932 of RCS of Texas, 1925, codified as Sec. 9, Art. 5932, of Vernon's Ann. Civ. Statutes of Texas, providing that an instrument is payable to bearer when it is payable to the order of a fictitious or non-existing person or to a living person not intended to have any interest in it and such fact was known to the person making it so payable or was known to his employee or other agent who supplies or causes to be inserted the name of such payee; and declaring an emergency."

S. B. No. 137, A bill to be entitled "An Act to amend Senate Bill No. 86, Acts 1929, 41st Legislature, First Called Session, Page 57, Chapter 23, as amended by Senate Bill No. 35, Acts 1933, 43rd Legislature, First Called Session, Page 274, Chapter 99, Section 1, same being known as Article 2675-1, Vernon's Texas Civil Statutes, as amended, by adding a new Section immediately following Section 2-b thereof to be known as

Section 3, pertaining to the severely physically disabled; providing for administration by the Vocational Rehabilitation Division of the State Department of Education; providing for repealing and severability clauses; declaring legislative intent; and declaring an emergency."

S. B. No. 237, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to exchange lands in Dallas County, Texas, and to execute deeds with the Dallas County Hospital District, Dallas County, Texas, and to convey the site received in exchange to the governing board of the Children's Medical Center of Dallas, Dallas County, Texas, to be used as a teaching facility fully integrated with the medical program of the University of Texas Southwestern Medical School, Dallas, Texas; etc., and declaring an emergency."

S. B. No. 398, A bill to be entitled "An Act transferring to the State Board of Water Engineers the powers and duties originally vested in the State Reclamation Engineer under Chapters 5 and 6, Title 128, Revised Civil Statutes of Texas, 1925, as amended, and under general and special laws, and all powers and duties of the State Reclamation Engineer vested by law in the Commissioner of the General Land Office by Senate Bill No. 281, Acts of the 46th Legislature, Regular Session, 1939, etc., and declaring an emergency."

S. B. No. 427, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds heretofore authorized by any Home Rule City in the State of Texas which pledge the revenues of its water, sewer, or electric systems, or any combination of such revenues, and any and all proceedings pertaining to the authorization and issuance thereof, and authorizing the issuance, sale and delivery of such bonds; etc., and declaring an emergency."

S. B. No. 250, A bill to be entitled "An Act validating the incorporation of cities and towns heretofore incorporated or attempted to be incorporated under the general laws of Texas and having a population according to the census of 1960 of not less than 5100 nor more than 5300; validating the boundary lines thereof;

validating governmental proceedings; validating the adoption of Home Rule Charter; etc.; and declaring an emergency."

S. B. No. 35, A bill to be entitled "An Act relating to the salaries of all state officers and employees except the salaries and other compensation of District Judges; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Court of Civil Appeals, the Supreme Court and the Courts of Criminal Appeals out of fees of office; specifically suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

Senate Bill 157 with House Amendments

Senator Reagan called S. B. No. 157 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Reagan moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the motion to concur in House amendments to S. B. No. 157.

Senate Resolution 405

Senator Martin offered the following resolution:

Whereas, The recent disturbance in Galveston has brought to light the fact that a great majority of our State-supported schools in Texas are now recessing from early Friday afternoon until Monday morning, which leaves the students free to travel great distances and completely put aside their studies; and

Whereas, The Senate of the State of Texas is interested in seeing that these educational facilities are fully utilized and that each student is required to devote at least forty-four hours a week on study and classroom work; now, therefore, be it

Resolved by the Senate, That the

Commission on Higher Education be requested to make a study as to the desirability of State-supported institutions of higher learning remaining open and conducting classes on a six-day basis per week, at least during the coming years when facilities are expected to be so short, and that such report be made to the next Legislature.

The resolution was read.

Senator Schwartz offered the following amendment to the resolution:

Amend S. R. 405 by striking the word "Galveston" in line one and substituting the word "Texas."

The amendment was adopted.

The resolution as amended was adopted.

(Senator Martin in the Chair.)

Reports of Standing Committees

Senator Creighton by unanimous consent submitted the following reports:

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 384, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON-Vice-Chairman.

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 916, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON-Vice-Chairman.

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 917, have had the

same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON-Vice-Chairman.

Senator Baker by unanimous consent submitted the following reports:

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 432, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BAKER, Chairman.

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 20, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BAKER, Chairman.

Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 91, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BAKER, Chairman.

Senate Bill 102 with House Amendments

Senator Hardeman called S. B. No. 102 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Aikin Colson

Senate Bill 131 with
House Amendments

Senator Crump called S. B. No. 131 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Crump moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 916 Ordered Not Printed

On motion of Senator Gonzalez and by unanimous consent H. B. No. 916 was ordered not printed.

House Bill 917 Ordered Not Printed

On motion of Senator Gonzalez and by unanimous consent H. B. No. 917 was ordered not printed.

Senate Bill 196 with
House Amendments

Senator Crump called S. B. No. 196 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Crump moved that the

Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Aikin Colson

Senate Concurrent Resolution 30
with House Amendments

Senator Creighton called S. C. R. No. 30 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Creighton moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the motion to concur in House amendments to S. C. R. No. 30.

Vote Reconsidered on Concurrence in
House Amendments to Senate Bill 157

On motion of Senator Reagan and by unanimous consent, the vote by which the Senate had concurred in House amendments to S. B. No. 157 on today was reconsidered.

Question—Shall the Senate concur in House amendments to S. B. No. 157.

The motion prevailed by the following vote:

Yeas—27

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Nays—1

Hardeman

Absent

Weinert

Absent—Excused

Aikin Colson

Senate Bill 414 with
House Amendments

Senator Ratliff called S. B. No. 414 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Ratliff moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Aikin Colson

Senate Bill 458 on Second Reading

Senator Hardeman moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 458 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Baker	Martin
Calhoun	Moffett
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Nays—1

Moore

Absent

Weinert

Absent—Excused

Aikin Colson

The Presiding Officer then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 458, A bill to be entitled "An Act amending Chapter 171, Acts of the Fifty-sixth Legislature, regular Session, relating to Tom Green County Water Control and Improvement District No. 1, by providing an additional method of detaching land from, and adding land to said district; prescribing the effect of failure to hold an election within the time prescribed, resulting favorably to the assumption of district's outstanding bonds and district's obligations under its contracts with the United States Government; enacting other provisions related to the subject; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 458 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid S. B. No. 458 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Aikin Colson

Co-Author of Senate Bill 326

Senator Willis asked unanimous consent to be shown as co-author of S. B. No. 326.

There was no objection offered.

**Motion to Consider
Senate Joint Resolution 5
on Second Reading**

Senator Dies asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 5 for consideration at this time.

There was objection.

Senator Dies then moved to suspend the regular order of business and take up S. J. R. No. 5 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members of the Senate):

Yeas—16

Dies	Kazen
Gonzalez	Lane
Hazlewood	Martin
Herring	Moore
Hudson	Owen

Rogers
Schwartz
Smith

Willis
Patman
Roberts

Nays—12

Baker	Krueger
Calhoun	Moffett
Creighton	Parkhouse
Crump	Ratliff
Fuller	Reagan
Hardeman	Secrest

Absent

Weinert

Absent—Excused

Aikin Colson

Senate Bill 332 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 332, A bill to be entitled "An Act to amend Article 3.10 of the Insurance Code; to provide authority for and limitations upon reinsurance by 'domestic' insurance companies; and declaring an emergency."

The bill was read second time.

Senator Crump offered the following committee amendment to the bill:

Amend Senate Bill No. 332 by deleting all of the language after the following words "Art. 3.10. May Insure," in Sec. 1, and substitute the following:

Any "domestic" company may re-insure in any insurance company licensed to transact business in any state or district of the United States, any risk or part of a risk which it may assume; provided, however, no credit for the reserve liability on such reinsurance may be taken by the ceding company unless the assuming insurer is licensed to do business in this State and, provided further, no company operating under Section 2(a) of Article 3.02 shall reinsure any risk or part of a risk with any insurer which is not licensed to do business in this State. No such company shall have the power to reinsure its entire outstanding business unless the assuming insurer is licensed in this State and until the contract therefor

shall be submitted to the Commissioner of Insurance of Texas and approved by him as protecting fully the interests of all policyholders.

The committee amendment was adopted.

On motion of Senator Crump and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 332 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 332 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Aikin	Colson
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Baker	Hudson
Calhoun	Kazen
Creighton	Krueger
Crump	Lane
Dies	Martin
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen
Hazlewood	Parkhouse
Herring	Patman

Ratliff	Secrest
Reagan	Smith
Roberts	Weinert
Rogers	Willis
Schwartz	

Absent—Excused

Aikin	Colson
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Senate Bill 26 with House Amendments

Senator Roberts called S. B. No. 26 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Roberts moved that the Senate concur in the House amendments.

The motion prevailed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 21, Granting permission to Tom D. Taylor, Dr. William M. Crawford, C. L. Meserole, and Robert C. Green to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 85, Granting permission to Ramon G. Bazaldua, Hortencia B. Esquivel and Florentino L. Esquivel to sue the State of Texas and the State Highway Commission.

H. C. R. No. 87, Requesting the Conference Committee to provide Texas Department of Corrections custodial officers adequate funds and working hours.

H. B. No. 100, To relieve from liability for civil damages persons who render emergency care at the scene of an emergency; providing certain exceptions; and declaring an emergency.

H. B. No. 522, Relating to the creation of a National Seashore Area on

part of Padre Island and the surrounding submerged lands; providing for severability; repealing all laws or parts of laws in conflict; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN,
 Chief Clerk, House of Representatives

**Senate Concurrent Resolution 21
 on Second Reading**

On motion of Senator Rogers and by unanimous consent, the Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 21, Directing Texas Educational Agency, etc., to excuse students participating in 4-H work.

The resolution was read and was adopted.

Senate Bill 143 on Second Reading

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 143, A bill to be entitled "An Act providing that any person who begets or conceives more than one illegitimate child, as herein defined, shall be guilty of a misdemeanor; fixing a penalty; and declaring an emergency."

The bill was read second time.

Question—Shall S. B. No. 143 be passed to engrossment?

Welcome Resolutions

S. R. No. 402—By Senator Schwartz: Extending welcome to students, teachers and sponsors of Santa Fe Independent School District of Alta Loma.

S. R. No. 403—By Senator Herring: Extending welcome to students of Fulmore School of Austin.

S. R. No. 404—By Senator Hardeman for Senator Weinert: Extending welcome to representatives of six Home Demonstration Clubs of Guadalupe County, and Miss Alta Marie Placke, Home Demonstration Agent.

S. R. No. 406—By Senator Herring: Extending welcome to students of Andice School of Williamson County.

S. R. No. 407, By Senator Krueger: Extending welcome to Mrs. Robert Lundy and son and Mrs. William Dowden and son of El Campo.

S. R. No. 408—By Senator Roberts: Extending welcome to students and Sister Mary Rupert of Gainesville.

S. R. No. 409—By Senator Secrest: Extending welcome to students and their teachers of Waco High School.

Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Senator Parkhouse moved that the Senate take recess until 2:30 o'clock p.m. today.

Question first on the motion to adjourn until 10:00 o'clock a.m. tomorrow, the motion prevailed by the following vote:

Yeas—14

Calhoun	Martin
Dies	Moore
Fuller	Owen
Hardeman	Reagan
Hudson	Roberts
Kazen	Secrest
Lane	Smith

Nays—13

Creighton	Parkhouse
Crump	Patman
Gonzalez	Ratliff
Hazlewood	Rogers
Herring	Schwartz
Krueger	Willis
Moffett	

Absent

Baker	Weinert
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Absent—Excused

Aikin	Colson
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Accordingly, the Senate at 12:01 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

FIFTY-NINTH DAY

(Wednesday, May 3, 1961)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: